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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,903	09/05/2003	Eugen Kloos	LZ-78	1549

7590 09/28/2004  
Friedrich Kueffner  
Suite 910  
317 Madison Avenue  
New York, NY 10017

EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/656,903

Applicant(s)

KLOOS ET AL.

Examiner

Bradley T King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/03 2/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "a preferred rotational direction" in the last two lines of the claim. It is not clear if this is the same direction as the previously recited rotational direction.

Claims 5-7 recite "an offset". It is not clear if this is the same offset recited in claim 1 or a different feature.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarter (US# 4705146).

Tarter discloses all the limitations of the instant claims including: a brake disk having a preferred rotational direction; a first brake pad 42''' having a first center of gravity on a first side of the brake disk 12; a second brake pad 44''' having a second center of gravity on a second side of the brake disk; and a caliper 28 for transmitting braking forces produced by the second brake pad to the first side of the brake disk, wherein the second center of gravity is offset from the first center of gravity by a predetermined distance in the direction toward the side of the brake disk which trails when the disk is rotating in a preferred rotational direction. See figures 7 or 8.

Regarding claim 4, see figure 6. The friction elements have the same shape and radial position and therefore will having centers of gravity at the same radial distance.

Regarding claim 6, see figure 8.

Regarding claim 7, see figure 7.

Regarding claim 8, figure 7 shows a wedge shaped cross-section.

Regarding claims 9-11, see figure 2. The rectangular opening is a parallelogram.

Regarding claims 12-13, see figure 1. Element 26 is a plate shaped bracket part integral with an axle part as broadly defined by the claims.

Regarding claim 14, Tarter shows a sliding caliper.

Regarding claim 15, the brake is capable of use on commercial vehicles.

Claims 1-3, and 5-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans (US# 4391355).

Evans discloses all the limitations of the instant claims including: a brake disk having a preferred rotational direction; a first brake pad 42 having a first center of gravity on a first side of the brake disk 14; a second brake pad 44 having a second center of gravity on a second side of the brake disk; and a caliper 19 for transmitting braking forces produced by the second brake pad to the first side of the brake disk, wherein the second center of gravity is offset from the first center of gravity by a predetermined distance  $d$  in the direction toward the side of the brake disk which trails when the disk is rotating in a preferred rotational direction. See figures 5 and 17.

Regarding claim 2, see figures 5 and 17. Only pad 44 is offset.

Regarding claim 5, see figure 5. The first pad 42 and the second pad 44 are offset.

Regarding claims 6-7, see figures 5, 13 and 17. Brake pad 17 and 23 have different configurations and weight distributions.

Regarding claim 8, figure 17 shows a wedge shaped cross-section as broadly defined by the claim.

Regarding claims 9-11, see figures 1 and 5. The rectangular opening is a parallelogram.

Regarding claims 12-13, see figures 1 or 2. Elements (19, 20, 23, 28) are all plate shaped bracket parts integral with an axle part as broadly defined by the claims.

Regarding claim 14, Evans shows a sliding caliper.

Regarding claim 15, the brake is capable of use on commercial vehicles.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kullmann et al, Weiler et al and OP den Camp. All show brake devices.

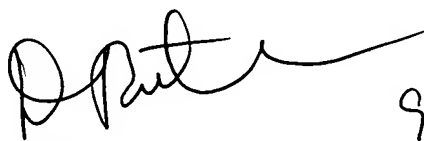
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER  
AU3683  
9/20/04